

STATE OF TEXAS
COUNTY FORT BEND
CITY OF FULSHEAR

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PLANNING AND ZONING MINUTES MAY 4, 2012

1. Call to Order

A regular meeting of the Planning and Zoning Commission was called to order by Chairman, Derek Einkauf at 8:04 a.m. on May 4, 2012 in the Fulshear City Hall, 30603 FM 1093, Fulshear, Texas and all citizens were welcomed.

MEMBERS PRESENT:

*Derek Einkauf, Chairman
David Worley, Co-Chairman
Bill Archer
Harold Collins
Terry Cozart
Mike Lavengco
Steve Zwick*

MEMBERS ABSENT:

Doug Konopka, Advisory Member

STAFF PRESENT:

*D. (Diana) Gordon Offord, City Secretary
C. J. Snipes, City Administrator
Michelle Kirchner, Build Inspector
David Leyendecker, Contracted City Engineer*

OTHERS PRESENT:

*Tom Northrup
Sarah Starr
Geoff Freeman
Tracy Youngblood*

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Mike James
Christy Smidt
And 8 others who did not sign in

2. Quorum

A quorum was present.

3. Citizens' comments:

There were no Citizens' comments.

4. Minutes

Regular Meeting, April 13, 2012

Chairman Einkauf announced that the minutes need additional review. No action is required on this item.

5. Consider and take action on Variance Request: Firethorne Section 25 project
a. front yard setback to allow 20ft. front yard setback instead of the required 25ft.
front yard setback

Chairman Einkauf stated this is a request from the builder asking for 20ft. set back instead of a 25ft. set back as it required by City ordinance.

Tom Northrup addressed the Planning and Zoning Commission and stated that he was here to represent Firethorne. He stating that this section of homes is in a gated community and that buyers are attractive to this section because they want more backyard space that faces a lake. Mr. Northrup stated this variance request is not one of hardship.

Mr. Wayne Meir (representative for Firethorne) stated that they are trying to attract a different kind of market as these individuals wants high end housing but want less front yard in order to be able to enjoy backyard space more. He gave Planning and Zoning Members a copy of the type of housing that will be built in Section 25. He stated no difference in what they are building now but the market is asking for less house but greater quality, don't like to do a lot of yard maintenance, and usually only have two cars. Having a 20ft. set back would still allow for one car in garage and one in the driveway. Mr. Meir stated that the deed restrictions are strictly enforced and do not allow cars to be parked on the street. Mr. Meir stated this 20ft set back will for kitchens in the backyard for patios and pool (without the 5 ft. they will be unable to have a pool). This type of buyer spends more time in the backyard than a lot of other people. Mr. Meir stated that is the reason for this request.

PnZ (Planning and Zoning Member) Lavengco asked if Mr. Meir when they decide to develop this section whether they were aware of the requirement of the Subdivision Ordinance and also the agreement with the City. Mr. Meir stated I could have developed it as apartments. PnZ Member Lavengco asked if it could been developed differently. Mr. Meir stated they could

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have gone with a 50ft lot but it would not allow for this type of product---it would be a smaller living area and gets to a point where this product would not be possible from a cost stand point.

PnZ member Zwick stated that he recommends that the variance not be approved. A motion was made by PnZ member Zwick to deny the request for a variance.

PnZ member Lavengco asked if there was any variance like this.

C. J. Snipes, City Administrator, stated that in interest of fairness and consistency Cross Creek made a similar request---it was granted and an amendment was made to the Agreement. I would suggest that we follow the same process here.

PnZ member Lavengco stated if there was a precedence we have already set.

Chairman Einkauf stated that I have a motion on the floor without a second.

PnZ member Worley asked what are we voting on. Chairman Einkauf stated that we are voting on the variance request at this time. PnZ member Worley stated that he would seconded the motion.

Chairman Einkauf stated that we have a motion and seconded to deny variance request. The motion was carried by the following vote:

Ayes: Planning and Zoning Commission Members Archer, Collins, Cozart, Einkauf, Lavengco, Worley and Zwick

Nays: None

6. Consider and take action on Firethorne: Firethorne Section 25 -Revised Preliminary Plat

David Leyendecker, City Engineer, stated all the requirements of this plat are met with the exception of 25 ft. set back that is required by the City Subdivision Ordinance. It currently has a 20 ft. set back. Representative from Firethorne asked if the setback is changed to 25th, would PnZ approve it. The response from the PnZ Commission was "yes".

A motion was made by PnZ Member Worley to deny Firethorne Section 25- Revised Preliminary Plat. It was seconded by PnZ Member Lavengco. The motion was carried by the following vote:

Ayes: Planning and Zoning Commission Members Archer, Collins, Cozart, Einkauf, Lavengco, Worley and Zwick

Nays: None

7. Consider and take action on Sign Variance Request from Hula Car Wash/29602 FM 1093

a. to allow a (3) three wall signs instead of the allowed (1) one wall sign

b. to allow more than the 10% of the wall for the signage

Michelle Kirchner, Building Inspector, stated that Hula Car Wash is requesting 3 (three) signs. Ms. Kirchner stated that all three of the signs are over the 10% of the wall area (which is out of compliance with the city's sign ordinance).

Mr. James, representative for Hula Car Wash, stated that aesthetics of sign are not visible for drivers going east and west off FM 1093.

There was approximately about a 15minute discussion between Mr. James and the Commission. Mr. James indicated that he would be willing to do a tradeoff (meaning giving up his right to install a monument sign for a sign on side of the building). Chairman Einkauf stated he did not agree with that idea and suggested that we needed to work together to come up with a sign that fits the ordinance. Chairman Einkauf stated to Mr. James that he is allowed one sign per roadway and one façade.

PnZ Member Archer also offered an opinion about trading off a sign was not a reliable solution so that the business can be visible from FM 1093.

A motion was made by PnZ Member Worley to deny sign variance from Hula Car Wash/29602 FM 1093.

a. to allow a (3) three wall signs instead of the allowed (1) one wall sign

b. to allow more than the 10% of the wall for the signage

It was seconded by PnZ Member Zwick. The motion was carried forward by the following vote:

Ayes: Planning and Zoning Commission Members Archer, Collins, Cozart, Einkauf, Lavengco, Worley and Zwick

Nays: None

8. Consider and take action on Cross Creek Ranch: Creek Bend at Cross Creek Ranch Section 6- Final Plat

A motion was made by PnZ member Archer to approve Cross Creek Bend at Cross Creek Ranch Section 6- Final Plat subject to recommendations by City Engineer, David Leyendecker. It was seconded by PnZ Member Lavengco. The motion was carried by the following vote:

Ayes: Planning and Zoning Commission Members Archer, Collins, Cozart, Einkauf, Lavengco, Worley and Zwick

Nays: None

9. Consider and take action on Cross Creek Ranch: Creek Bend At Cross Creek Ranch
Section 10 – Preliminary Plat

A motion was made by PnZ Member Worley to approve Creek Bend at Cross Creek Ranch Section 10 Preliminary Plat. It was seconded by PnZ Member Archer. The motion was carried by the following vote:

Ayes: Planning and Zoning Commission Members Archer, Collins, Cozart, Einkauf, Lavengco, Worley and Zwick

Nays: None

10. Consideration and possible action on Churchill Farms Master Signage Plan

Chairman Einkauf stated that they came to us before but was turned down. According to the City's Sign Ordinance we are allowed to grant Subdivision a Master Plan for signage.

Michelle Kirchner, Building Inspector, stated that Churchill has done a great job in making all the changes they were asked to do.

Sarah Starr, representative for Churchill Farm Signage, presented the Master Signage Plan to the Commission. There were a few questions the Commission. The Commission was satisfied with the answers received from Ms. Starr.

A motion was made by PnZ Member Collins to approve the Churchill Farms Master Signage Plan. It was seconded by PnZ Member Worley. The motion was carried by the following vote:

Ayes: Planning and Zoning Commission Members Archer, Collins, Cozart, Einkauf, Lavengco, Worley and Zwick

Nays: None

11. Adjourn

A motion was made by PnZ Member Lavengco to adjourn. Chairman Einkauf announced that we are adjourned.